

# Congress of the United States

Washington, DC 20515

October 5, 2005

The Honorable Alberto Gonzales  
Attorney General of the United States  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Attorney General Gonzales:

We write to request that the Department of Justice investigate possible misconduct by law enforcement and corrections officials in the aftermath of Hurricane Katrina. While a local investigation of certain activities – such as possible police involvement in looting – is underway, it is important that the Department investigate actions which may have violated federal law.

In particular, we are concerned that law enforcement officials may have denied minority citizens the ability to cross the Greater New Orleans Bridge to safety in the midst of the flooding, and were negligent in fleeing the Orleans Parish Prison, leaving hundreds of prisoners to possibly drown. If press reports concerning these events are accurate, these actions may well constitute pattern and practice<sup>1</sup> and color of law<sup>2</sup> violations, as well as a denial of due process and equal protection.<sup>3</sup>

## Greater New Orleans Bridge

On September 10, 2005, the *New York Times* reported the firsthand accounts of two emergency medical service (EMS) workers who tried to cross the Greater New Orleans Bridge on September 1, 2005.<sup>4</sup> According to the two EMS workers at the scene, they, and approximately 200 people, encountered gunfire and other mistreatment when they attempted to evacuate New

---

<sup>1</sup>42 U.S.C. § 14141. A pattern or practice violation occurs when law enforcement officers engage in pattern or practice of conduct that deprives persons of rights, privileges or immunities secured or protected by the Constitution or laws of the United States.

<sup>2</sup>18 U.S.C. § 242. A color of law violation occurs when a governmental actor willfully deprives persons of rights, privileges or immunities secured or protected by the Constitution or laws of the United States.

<sup>3</sup>U.S. Const. amend. XIV § 1. The 14th amendment of the United States Constitution prohibits states from depriving any person of life, liberty, or property, without due process of law. The 14th amendment also prohibits states from depriving any person of the equal protection of the laws.

<sup>4</sup>Gardiner Harris, Police in Suburbs Blocked Evacuees, Witnesses Report, *New York Times*, September 10, 2005.

Orleans by crossing the Greater New Orleans Bridge.<sup>5</sup> In a chronicle of their experiences in New Orleans during the aftermath of Hurricane Katrina, the EMS workers at the scene reported that earlier that day, a New Orleans police commander had directed the majority African American group to the Bridge.<sup>6</sup> According to the EMS workers, the group, which had resorted to camping out in front of a makeshift police command center, was instructed to walk to the Pontchartrain Expressway and cross the Greater New Orleans Bridge to the south side of the Mississippi. The group was told that there would be police buses lined up to take them out of the city. According to the EMS workers at the scene, crossing the Greater New Orleans Bridge served as the only means of safety for this group as the National Guard had previously told them that they would not be allowed into the Superdome or the Convention Center.

The EMS workers report that when the group arrived at the Bridge, armed sheriffs formed a line across the foot of the Bridge and began firing weapons over their heads. The EMS workers said that they reached the sheriffs' line and asked why they "couldn't cross the bridge anyway, especially as there was little traffic on the six-lane highway."<sup>7</sup> According the EMS workers, the officers said that "the West Bank was not going to become New Orleans and there would be no Superdomes in their city."<sup>8</sup> The EMS workers took these statements as "code words for: if you are poor and Black, you are not crossing the Mississippi River, and you are not getting out of New Orleans."<sup>9</sup> It then became clear to the EMS workers that their group had been directed to the Greater New Orleans Bridge only to prevent them from camping out in front of the makeshift police command center.<sup>10</sup>

#### Orleans Parish Prison

On September 22, 2005, Human Rights Watch reported that the Orleans Sheriff's Department abandoned hundreds of inmates in the Orleans Parish Prison compound.<sup>11</sup>

---

<sup>5</sup>*Id.*

<sup>6</sup>Larry Bradshaw and Lorrie Beth Slonsky, Trapped in New Orleans by the Flood--and Martial Law: The Real Heroes and Sheroes of New Orleans, September 9, 2005, available at <http://www.socialistworker.org/2005-2/556/556-04-RealHeroes.shtml>.

<sup>7</sup>*Id.*

<sup>8</sup>*Id.*

<sup>9</sup>*Id.*

<sup>10</sup>*Id.*

<sup>11</sup>Human Rights Watch, New Orleans: Prisoners Abandoned to Flood Waters, September 22, 2005, available at <http://hrw.org/english/docs/2005/09/22/usdom11773.htm>.

According to Human Rights Watch, inmates housed in Templeman III of the compound said that between August 29 and September 1, 2005, there were no correctional officers in the 600-inmate building.<sup>12</sup> Inmates were immersed in chest and neck level water and were without food, water, electricity, fresh air, or functioning toilets. Some jumped out of windows in an attempt to reach safety. Evacuation of the Orleans Parish Prison was completed on September 2, 2005. However, 517 prisoners remain unaccounted for.<sup>13</sup> Human Rights Watch reports that many of the men held at Orleans Parish Prison had been arrested for minor offenses like public drunkenness and that many had not been brought before a judge and charged, much less been convicted.<sup>14</sup>

Last Thursday, the *New York Times* stated that “these shocking charges should be thoroughly investigated – and not lost amid the other missteps and misdeeds that followed the hurricane.” The *Times* observed that “inmates in another building say the guards who were supposed to shepherd them out simply disappeared, leaving the cells and building doors locked. As the water began rising, the prisoners on the ground level could be heard calling for help. ‘We was calling down to the guys in the cells under us’ one inmate is quoted as saying, ‘talking to them every few minutes. They were crying; they were scared’ ... An official spokeswoman says that no lives were lost. But inmates say they saw bodies floating in the water when they were finally rescued. Asked about the prisoners missing from the evacuation lists, one corrections officer said there ‘ain’t no telling what happened to them.’ Describing the event to investigators, one inmate said, ‘they left us to die there.’”<sup>15</sup>

Clearly, both the Greater New Orleans Bridge and Orleans Parish Prison involve critical factual issues that need to be resolved, and implicate important federal legal rights. For these reasons, we call on the Department of Justice to promptly investigate these incidents.

We look forward to your detailed response on this matter. Please respond to the Judiciary Committee Minority Office, 2142 Rayburn House Office Building, Washington, D.C. 20515, telephone number, 202-225-6504, fax number, 202-225-4423.

Sincerely,

A handwritten signature in dark ink, appearing to read "John W. Langer", written over a horizontal line.A handwritten signature in dark ink, appearing to read "Al. Gonzales", written over a horizontal line.

<sup>12</sup>*Id.*

<sup>13</sup>*Id.*

<sup>14</sup>*Id.*

<sup>15</sup>Trapped in a Flooding Jail Cell, *New York Times*, September 29, 2005.

Zoe Loff  
David Scott

Wendy Clark

Debbie Wasserman Schultz

Raul M. Grijalva

Carolyn C. Kilpatrick

Patrick Wynn

Linda J. Caskey

Maureen Watts

Donald Mayne

Theresa L

Ally D. Hastings

Barbara Lee

Jan Schak